



April 6, 1999

Ms. Christine Lanners  
Assistant City Attorney  
Office of the City Attorney  
Municipal Building  
Dallas, Texas 75201

OR99-0905

Dear Ms. Lanners:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123231.

The Dallas Police Department received a request for the police report concerning a specific offense at a particular address. You contend that you must withhold the requested information under section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the sample documents that you have submitted.<sup>1</sup>

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Juvenile offender records held by law enforcement agencies are made confidential under section 58.007(c) of the Family Code. Section 58.007(c), however, only applies to juvenile law enforcement records concerning conduct that occurred on or after September 1, 1997. The relevant language of amended Family Code section 58.007(c) reads as follows:

(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

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<sup>1</sup> In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988); 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Here, the requested information involves juvenile conduct that occurred after September 1, 1997. Thus, the records are made confidential by amended section 58.007 of the Family Code. Accordingly, you must withhold the requested information under section 552.101 of the Government Code in conjunction with section 58.007 of the Family Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Ballard".

Don Ballard  
Assistant Attorney General  
Open Records Division

JDB\nc

Ref: ID# 123231

Enclosures: Submitted documents

cc: Mr. Rodney D. Young  
Claims Division - Adjuster PH3  
P.O. Box 222043  
Dallas, Texas 75222-0043  
(w/o enclosures)